UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,690	12/17/2003	Javier B. Arellano	P24306	4131

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EXAMINER
PARKER, BRANDON

ART UNIT	PAPER NUMBER
2174	

NOTIFICATION DATE	DELIVERY MODE
07/27/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 May 2007_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8,10-20 and 22-24_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,10-20 and 22-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The examiner acknowledges the applicant's submission on 05/15/2007, wherein claims

1, 7, 13-15, 18-20 and 22 have been amended, claims 9 and 21 have been cancelled

and claims 1-8, 10-20, and 22-24 remain pending in the application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 13-18 are rejected under 35 U.S.C. 102(b) as being anticipated by

Weber et al (US Patent 5,564,005) Weber hereinafter.

- Weber teaches a method for dynamically creating and delivering interactive

  personalized content in an electronic environment, comprising: (correlates to

  user information/personalized Abstract lines 1-7), (storage medium/computer

  readable medium storing, Weber Claim 1), (computer program/code for

  executing Col. 9 lines 43-46).

- providing a narrative framework (time zone, Abstract); sequencing and editing

  the narrative framework, based upon a profile of a user (i.e. usage patterns, Col.

  27 lines 28-32), to create a dynamically generated narrative (Abstract, Col 9 line

  48);

- modifying (i.e. manipulating) the dynamically generated narrative (i.e. display

  objects), (Col. 27 lines 50-53) based upon a delivery context (Col. 16 lines 49-

  58); and rendering the modified narrative for presentation of a user (Weber Claim

  11, Abstract);

Claim 13 is similar in scope to claim 1 and is therefore rejected under similar rationale.

With respect to claim 2

- Weber teaches a method comprising updating (i.e. modifications to) the user

  profile based on a user interaction history (i.e. recalling memories). (Col 4 lines

  40-44).

Claim 14 is similar in scope to claim 2 and is therefore rejected under similar

rationale.

With respect to claim 3

- Weber teaches a method in which the user profile is created by gathering data

  from the user, analyzing a history of the user, monitoring data related to the user,

  and detecting patterns and trends of the user. (recalling memories/history,

  pattern, trends Col 4 40-44, compare/analyzing, determining/detecting Col 9 lines

  29-32).

Claim 15 is similar in scope to claim 3 and is therefore rejected under similar rationale.

With respect to claim 4

- Weber teaches a method in which the delivery context comprises a display area (Col 15 lines 8-11).

Claim 16 is similar in scope to claim 4 and is therefore rejected under similar rationale.

With respect to claim 5

- Weber teaches a method in which the delivery context comprises a network connection (Col 15 lines 50-56).

Claim 17 is similar in scope to claim 5 and is therefore rejected under similar rationale.

With respect to claim 6

- Weber teaches a method in which the narrative framework further comprises content elements, each content element comprising a plurality of types of representations having different media characteristics, facilitating modification based upon delivery context (manipulation/modification, pixels, symbols, numbers/media characteristics Col 9 19-26).

Claim 18 is similar in scope to claim 6 and is therefore rejected under similar rationale.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 8,10-12,19, 20 and 22-24 are rejected under 35 U.S.C. 102(b) as being

anticipated by Williams et al (US Patent 5,945,988) Williams hereinafter.

With respect to claim 7

- Williams teaches a method for generating a personalized guide (Col 4 lines 20-

  35) for suggesting programs to a user the method comprising: creating a

  standard program schedule based upon an initial time period obtaining a profile

  of the user, the user profile based on at least a weighted set (i.e. weighted

  values) of interest, (Col. 9 lines 44-48, 54-56); selecting suggested programs

  based upon the user profile and the standard program schedule; (Col 13 lines

  60-65), (Col 7 lines 33-36); resolving constraints (i.e. parental controls) specified

  by display rules (Col. 10 lines 26-36); and displaying the suggested programs in

  accordance with the resolved constraints (parental controls/constraints, display

  rules Col 10 lines 26-36).

Claim 19 is similar in scope to claim 7 and is therefore rejected under similar rationale.

With respect to claim 8

- Williams teaches a method for periodically refining the user profile

  (updated/refining Col 7 lines 52-57).

Claim 20 is similar in scope to claim 8 and is therefore rejected under similar rationale.

With respect to claim 10

- Williams teaches a method for dynamically assembling content, comprising: adapting the content to a user (Col. 15 lines 23-26); adapting the content based upon available content ; and adapting the content (i.e. add, subtract, modify their recorded preferences) to a context at a delivery time. (customize/adapt Col 2 25-29, Col 3 lines 1-5, Williams Claim 6), (storage medium/computer readable medium storing, processor/processes source code Claim 1).

Claim 22 is similar in scope to claim 10 and is therefore rejected under similar rationale.

With respect to claim 11

- Williams teaches a method in which the context comprises a display area (518/Fig 5 Drawing).

Claim 23 is similar in scope to claim 11 and is therefore rejected under similar rationale.

With respect to claim 12

- Williams teaches a method in which the context comprises a network connection (524/Fig 5 Drawing).

Claim 24 is similar in scope to claim 12 and is therefore rejected under similar rationale.

Response to Arguments

With the amendments made, the U.S.C. § 112 rejections and the objection to the specification are withdrawn.

Applicant's remarks regarding Weber and Williams failing to anticipate

independent claims 1-8, 10-20, and 22-24 have been fully reconsidered but are not

persuasive.

Applicant argues assuming that the time zone can be considered as teaching the

narrative framework, they are not created by the system and then provided to the user,

but rather they are created by the user. In response, Weber discloses, "**the system**

(i.e. not the user) **establishes** a spatial region on the display called **a time zone (i.e.**

narrative framework), into which the system user may enter information" (Abstract).

Applicant argues there is no mention of any type of framework. In response, Weber

discloses a "**conceptual framework**" (Col. 9 line 6) wherein an item of data indicates a

thing, an **event**, or a characteristic, (Col. 10 lines 45-51). Furthermore Weber discloses

the event as a series of stimuli perceived by a human including a business meeting,

movie, or television program, (Col. 12 lines 54-67).

Applicant argues Weber fails to disclose "sequencing and editing the narrative

framework, based upon a user profile. In response, Weber discloses time zones (i.e.

narrative framework) are created by the user in **sequential** time order, information can

be entered in to time zones in any sequence, thereby facilitating **editing** and annotation

of **previously entered information** (i.e. based on a user's profile), (Abstract).

Applicant argues the "user information" disclosed by Weber is not a user profile.

Applicant discloses "at least one user profile is created for at least one user. The profile

may represent **interest and trends** of the user", (Abstract). In response, Weber

discloses "in order to facilitate usage patterns (i.e. user profile/trends) in and visual

organization of the information designator the present invention organizes unique

identifiers that have been associated with several successive address zones into

columns in the striping region" (Col. 27 lines 28-32).

Applicant argues the "delivery context" refers to rules that deal with the delivery

environment, in other words systemic constraints. In response Weber discloses a pen-

based implementation via serial line protocol (i.e. network connection protocol), (Col. 16

lines 49-58) and manipulating (i.e. modifying) the display objects (i.e. dynamically

generated narrative), (Col. 27 lines 50-53). Furthermore Weber discloses the user-

entered information continuously available for presentation to, and modification and

review by a user (Weber Claim 11, Abstract).

Applicant argues Williams fails to disclose "a user profile based on at least a

weighted set of interest". In response Williams discloses "each of the configurable

options is given a different predetermined weight and the weighted values (i.e. a

weighted set) are added together" (Col. 9 lines 44-46). Williams discloses "the television

channel being viewed may be given a higher weight than the volume of the channel"

(Col. 9 lines 46-48) and "the weight of the television channel being viewed may be

much higher if the channel has remained unchanged for a few minutes, indicating that a

user is actually watching that channel", (i.e. interest of the user), (Col. 9 lines 54-56).

Applicant argues Williams fails to disclose "adapting the content based upon

available content". In response Williams discloses "users are able to access their

preferences on user profile database and add to, subtract from, and/or modify (i.e.

adapting the content) their recorded preferences. (Col. 15 lines 23-26). Furthermore

Williams discloses "providing an updated list of web sites which correspond to user

preferences (i.e. adapting the content) and available programming information (i.e.

based upon available content)" (Williams Claim 6).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

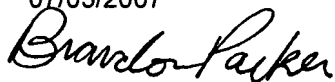policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brandon Parker whose telephone number is 571-270-

1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached 571-272-4063. The fax phone number for

the organization where this application or proceeding is assigned is 571-270-2302.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP
07/03/2007

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